

and the same are hereby expressly repealed, and that part of Article 2547 (2443) of the Revised Civil Statutes of the State of Texas, being Chapter 129 of the General Laws of the State of Texas, passed by the Fortieth Legislature reading as follows: "Any person who shall deposit with or pay into any depository of county funds, qualified under this Act, selected under the law, which shall have pledged securities to secure such county funds, or who shall accept any such payment or deposit without first having ascertained that such county depository has pledged and in the hands of the commissioners' court for the purpose of securing such county funds, securities of the kind permitted by law, equal in amount to the total amount of funds of the county which will be deposited with such depository after such payment or deposit is made, shall be guilty of a felony, and upon conviction, shall be imprisoned in the State penitentiary for a term of not less than one year" being carried as Article 425 A of the Penal Code of the State of Texas, be, and the same is hereby expressly repealed.

Sec. 3. The fact that the time for executing and filing depository bonds by county depositories is near at hand and most of the banks of the State of Texas will not be able to make a personal bond or pledge the securities as required by the present law, thus forcing such banks to make surety bonds, the premiums of which in every case will be paid by the county, resulting in injury to the county and unnecessary expenditure of county funds, and the further fact that this amendment will simplify the method of handling county funds, and provide for adequately securing the same, it will be advantageous to both the county depositories and the county, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
January 25, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

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| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Greer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Thomason.

S. B. No. 315, A bill to be entitled "An Act fixing the compensation for the Assistant Adjutant General at three thousand dollars annually, payable monthly; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Military Affairs.

By Senator Woodul.

S. B. No. 316, A bill to be entitled "An Act authorizing any county having taxable values of two hundred ninety million dollars or more according to the latest approved tax rolls of the county to spend not to exceed

\$15,000.00 in any one year out of the general fund of the county for any purpose coming within the authority of the commissioners' court of the county under the laws of this State relative to reclamation or conservation; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore.

S. B. No. 317, A bill to be entitled "An Act amending Articles 1595 and 1600 of the Revised Civil Statutes of 1925, as amended, providing that no county seat situated within five miles of the geographical center of any county shall be removed except by a vote of two-thirds of all the electors in said county voting on the subject; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson.

S. B. No. 318, A bill to be entitled "An Act to amend Article 1430, Title 17, Chapter 8, of the Penal Code of Texas, adopted at a regular session of the Thirty-ninth Legislature, 1925, being an Act defining the receiving or concealing of stolen property, or property which has been acquired, in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof, and providing that no person shall be excused from testifying against persons who have violated the provisions of said Article for the reason that such testimony would incriminate such witness, and providing that no person required to so testify shall be punishable for acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial."

Read first time and referred to Committee on Civil Jurisprudence.

By Williamson:

S. B. No. 319, A bill to be entitled "An Act to amend Article 2943 of Chapter 3, Title 50, of the Revised Civil Statutes of Texas of 1925; regulating the pay of judges and clerks of general and special elections; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Small.

S. B. No. 320, A bill to be entitled "An Act creating a more efficient road system for Hemphill County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Hemphill County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Small.

S. B. No. 321, A bill to be entitled "An Act to amend Article 5338 of the Revised Civil Statutes of 1925 so as to withdraw from lease or sale or mineral permit all oil and gas upon and under any river beds and channels belonging to the public school, University, asylum land, or other public lands within the State of Texas, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Patton.

S. B. No. 322, A bill to be entitled "An Act to amend Article 880, Revised Criminal Statutes, 1925 as

amended by Chapter 24 of the First Called Session of the Thirty-ninth Legislature, as amended by Chapter 83, of the First Called Session of the Fortieth Legislature, so as to make it unlawful to hunt wild deer with dogs in Hardin, Liberty, Walker, San Jacinto, Leon, Houston Counties, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Love.

S. B. No. 323, A bill to be entitled "An Act providing for the support of the office of the county superintendent of public instruction by the entire county out of the general fund of the county; prescribing the duties of the county board of trustees and the State Superintendent in the administration of this Act and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Educational Affairs.

Senators Excused.

On motion of Senator Wirtz, Senator Woodward was excused for the day on account of important business.

Free Conference Committee on S. B. No. 60 Reports.

Senator Holbrook sent up the following committee report:

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

and

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed by the Senate and the House to consider and adjust the differences between the House and Senate on

S. B. No. 60, A bill to be entitled "An Act to amend Article 6954, of the Revised Civil Statutes of Texas, 1925, Chapter 6, Title 121, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include the counties of Galveston, Refugio, Jim Wells, Duval and Harris, and declaring an emergency."

Have met and after a full and free

conference have agreed to recommend and do recommend:

That the House recede from all of its amendments and that the bill be passed with the following amendments in lieu of the House Amendments:

Amend S. B. No. 60, by including the names of the following counties:

Jeff Davis, Webb, Zapata, Terrell, Goliad, Gray Hutchinson, Potter, Leon, Zavalla, Uvalde, Archer, Walker, San Jacinto, Throckmorton, Montgomery, Shackelford, Panola, Live Oak, Brooks, Jim Hogg.

Respectfully recommended,

HOLBROOK,

GAINER,

PARR,

McFARLANE,

STEVENSON,

On the part of the Senate.

MRS. HELEN MOORE,

STEVENSON,

GILES,

WEBB,

HOGG,

On the part of the House.

On motion of Senator Holbrook, the report was adopted by the following vote:

Yeas—28.

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|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

S. C. R. No. 12.

Senator Moore sent up the following resolution:

Whereas, The Civil War records of the States composing the Confederate States of America were carried as spoils of war by the Federal forces to Washington and placed in the War Department of the United States where they now remain, and

Whereas, These records can now no longer be considered of any real worth to the United States Government other than historical, and

Whereas, The fealty of all states comprising the Union since the Civil War has been proved and sealed by a common baptism of fire and blood, and

Whereas, These old records are now but mute testimonials to the valor and courage and patriotism of southern manhood and are historical data cherished only by the states from which they were taken by the fortunes of war, and

Whereas, The respective States are anxious to repossess this data and these war records for their historical value, and a worthy sentiment of proud possession,

Now, Therefore, Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Congress of the United States be and they are hereby requested by appropriate act to return to the respective states these war records, muster rolls, and other such documents taken from the respective Southern States at the close of the Civil War, and our Representatives and Senators in Congress are urged to secure the passage of such measure.

Read and adopted.

Senate Bill No. 71.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 71, A bill to be entitled "An Act to amend Article 2883, and Article 2889-A R. S., 1925, relating to certificates of teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith, and declaring an emergency."

The bill was made a special order for Monday morning.

Senate Bill No. 82.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University Lands; to provide for re-surveying, dividing and marketing said lands; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and

minimum rental thereon; authorizing the rejection of any and all bids therefor, and the sale thereof at open auction; prescribing duties of the Board of Regents of the University of Texas and of the Commissioner of the General Land Office of Texas, providing for the execution of mineral leases on said lands, and repealing all laws in conflict therewith, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—27.

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|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

Senate Bill No. 27..

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 27, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State, shall file a bond to be approved by the county judge of the county in which he desires to carry on such business, setting out the terms of said bond and providing penalties for violation thereof; and repealing Articles 6904 and 6908, Title 121, Chapter 3 of the Revised Civil Statutes of Texas, 1925; and repealing Articles 1447, 1449 and 1450, Title 17, Chapter 11 of the Penal Code of the State of Texas adopted in 1925 and declaring an emergency."

The bill was read second time.

On motion of Senator Hornsby, the bill was laid on the table subject to call.

Senate Bill No. 113.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 113, A bill to be entitled "An Act to amend Articles 2669, 2670, 2671, 2672, and 2673 of Chapter 10, Title 49 of the Revised Civil Statutes of the State of Texas of 1925, relating to the investment of the permanent school fund by the State Board of Education by providing for the purchase by said board of bonds of the United States, the State of Texas, the bonds of counties of the State of Texas, the bonds of the independent school districts of Texas, and of the common school districts of said State, and the bonds of any incorporated city or town, and the bonds of road precincts of any county of the State of Texas, and the bonds of any drainage, irrigation, navigation and levee districts of any county or counties of Texas, and the obligations and pledges of the University of Texas."

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 113 was put on its third reading and final passage, by the following vote:

Yeas—27.

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| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

The bill was read third time and finally passed by the following vote:

Yeas—27.

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|-------------|----------|
| Beck. | DeBerry. |
| Berkeley. | Gainer. |
| Cunningham. | Greer. |

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| Hardin. | Pollard. |
| Holbrook. | Russek. |
| Hornsby. | Small. |
| Hyer. | Stevenson. |
| Love. | Thomason. |
| Martin. | Westbrook. |
| McFarlane. | Williamson. |
| Miller. | Wirtz. |
| Moore. | Witt. |
| Parr. | Woodul. |
| Patton. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

Senate Bill No. 130.

The Chair laid before the Senate, on second reading the following bill:

S. B. No. 130, A bill to be entitled "An Act providing for nine members of the Board of Regents of the State Teachers Colleges instead of six members; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 130 was put on its third reading and final passage, by the following vote:

Yeas—27.

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| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

The bill was read third time and finally passed, by the following vote:

Yeas—27.

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|-------------|-----------|
| Beck. | Gainer. |
| Berkeley. | Greer. |
| Cunningham. | Hardin. |
| DeBerry. | Holbrook. |

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| Hornsby. | Russek. |
| Hyer. | Small. |
| Love. | Stevenson. |
| Martin. | Thomason. |
| McFarlane. | Westbrook. |
| Miller. | Williamson. |
| Moore. | Wirtz. |
| Parr. | Witt. |
| Patton. | Woodul. |
| Pollard. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

Senate Bill No. 157.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 157, A bill to be entitled "An Act to repeal Sections 14, 15, 16, 17, 18, 19, and 20 of House Bill 23, Chapter 26, General Laws of the Regular Session of the Thirty-ninth Legislature; and declaring an emergency."

The bill was read second time.

On motion of Senator Hyer, the bill was laid on the table subject to call.

Senate Bill No. 159.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 159, A bill to be entitled "An Act providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and/or Chapter 2, Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement Districts, and in the organization of which petitions were signed by more than fifty persons and such petitions were filed in the month of September, 1926; and on which petitioners hearings were held by the county commissioners' courts in the month of October, 1926, and in pursuance of which said Courts entered their orders or judgments finding in favor of the petitioners for the establishment of such districts, and elections were held for the purpose of voting upon the organization of such districts, and the issuance of notes by such districts, such elections being held in the month of November, 1926, and at which elections the organizations of the districts and the issuance of notes received a two-thirds majority of the votes cast and in which elections directors were elected for such

districts, all such proceedings and the organization of such districts and the orders of the county commissioners' courts organizing such districts and the authorization for the issuance of notes of such districts are hereby ratified, validated, approved and confirmed, and further providing that such districts are validly created and organized and the notes issued by such districts are valid and declared to be legal and are validated, and authorizing such districts to levy, assess and collect taxes to pay same and to pay cost of assessing and collecting same and other expenses of such districts and declaring such districts to be Conservation and Reclamation Districts under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and under the provisions of Chapter 2, Title 128, Revised Civil Statutes of Texas, and under the provisions of Section 59, of Article 16, of the Constitution of the State of Texas, and providing such districts may, if they so elect, in accordance with the provisions of law, be converted into Water Control and Improvement Districts, etc."

The bill was read second time.

On motion of Senator McFarlane, the bill was laid on the table subject to call.

Senate Bill No. 165.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 165, A bill to be entitled "An Act to amend Article 2688 and Article 2689, Revised Statutes 1925, creating the office of county superintendent of public schools; providing for filling the office; extending the term of office of present incumbents; fixing amount of bond of said county superintendent; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

The bill was read second time.

On motion of Senator Holbrook, the bill was laid on the table subject to call.

Senate Bill No. 170.

The Chair laid before the Senate, on second reading the following bill:

S. B. No. 170, A bill to be entitled "An Act to amend Article 2741, R. S. 1925, relating to the duties of county school trustees with refer-

ence to the boundaries of school districts within their counties."

The bill was read second time.

Senator Love sent up the following amendment:

Amend S. B. No. 170 by adding Section 1-A as follows:

"Section 1-A. This Act shall not apply to counties having 210,000 population or over."

LOVE.

The amendment was read.

On motion of Senator DeBerry, the bill was laid on the table subject to call.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 12, A bill to be entitled "An Act to amend Article 7125 of the Revised Civil Statutes of 1925 so as to exempt estates upon which inheritance taxes have been levied within five years from date of second passage of said estates, and declaring an emergency."

H. B. No. 189, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925 so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000 or more may have."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 185.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 185, A bill to be entitled "An Act relating to banks and bank and trust companies; amending Article 365, Revised Civil Statutes of 1925 of Texas so as to provide for assessment by banks and bank and trust companies of their stockholders to restore impaired capital stock; authorizing the Banking Commissioner, in the event of failure of banks and bank and trust companies

to restore their capital stock or to voluntarily liquidate, to close and liquidate same; providing for sale of stock of stockholder or stockholders who fail or refuse to pay their assessment and providing that the assessment to restore capital stock shall not affect the liability of stockholders to the assessment provided for by Article 535, Revised Civil Statutes of Texas of 1925; etc., and declaring an emergency."

The bill was read second time.

On motion of Senator Love, the bill was laid on the table subject to call.

Senate Bill No. 216.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 216, A bill to be entitled "An Act repealing Article 1269 of the Revised Civil Statutes of the State of Texas of 1925."

The bill was read second time and passed to engrossment.

Senate Bill No. 262.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 262, A bill to be entitled "An Act making it the duty of all persons, firms or corporations engaged in the business of selling dynamite to keep books showing the disposition of said dynamite, the person to whom it is sold, his correct address, the amount sold, the date of the sale, and requiring that the books be kept open to inspection by any officer charged with the duty of enforcing the criminal laws of this State, and fixing the penalty for the violation of the provisions of this Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 262 was put on its third reading and final passage, by the following vote:

Yeas—27.

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|-------------|------------|
| Beck. | Holbrook. |
| Berkeley. | Hornsby. |
| Cunningham. | Hyer. |
| DeBerry. | Love. |
| Gainer. | Martin. |
| Greer. | McFarlane. |
| Hardin. | Miller. |

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| Moore. | Thomason. |
| Parr. | Westbrook. |
| Patton. | Williamson. |
| Pollard. | Wirtz. |
| Russek. | Witt. |
| Small. | Woodul. |
| Stevenson. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

The bill was read third time and finally passed by the following vote:

Yeas—27.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

House Bill No. 18.

The Chair laid before the Senate, on second reading, the following bill:

By Harman:

H. B. No. 18, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties, who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified."

The bill was read second time and passed to third reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 18 was put on its third reading and final passage, by the following vote:

Yeas—27.

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| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

The bill was read third time and finally passed by the following vote:

Yeas—27.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

Senate Bill No. 216.

Senator Williamson moved to reconsider the vote by which S. B. No. 216 was passed to engrossment. The motion prevailed.

Senator Williamson sent up the following amendment.

Amend S. B. No. 216 by adding to the end of said caption the following "and declaring an emergency."

WILLIAMSON.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 216 was put on its third reading and final passage, by the following vote:

Yeas—27.

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|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

The bill was read third time and finally passed by the following vote:

Yeas—27.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | |

Absent—Excused.

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| Neal. | Woodward. |
| Parrish. | |

House Bills Referred.

H. B. No. 12, read and referred to Committee on State Affairs.

H. B. No. 189, read and referred to Committee on Banks and Banking.

Simple Resolution No. 44.

Senator Moore sent up the following resolution:

Whereas, The elevator operators employed by the Board of Control have been operating the elevator on

Sunday for the convenience of the members of the House and Senate,

Therefore, Be It Resolved, That the elevator operators employed by the Board of Control be paid out of the Senate Contingent Fund to the rate of Four Dollars per Sunday for operating said elevator during the session of the Legislature, and that said compensation be allowed beginning January 12th.

The resolution was read and adopted.

Executive Session.

At 11:00 o'clock a. m., the Chair announced that the hour for the executive session to consider nominations by the Governor had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be members of the Fannin State Park Board: Wallace E. Fowler, Ross Hanley, Mrs. Genevieve Stevenson.

Respectfully submitted,
WILLIAMSON, Chairman.

The Committee Report was adopted.

A number of notaries were confirmed. See immediately following Journal for last day.

Simple Resolution No. 45.

Senator Moore sent up the following resolution:

Whereas, Senator Neal is confined to her room and unable to attend the sessions of the Senate because of illness,

Therefore, Be It Resolved, That the Capitol force be and is hereby

requested to furnish flowers daily to Senator Neal's room during her forced absence from the Senate.

The resolution was read and adopted.

Adjournment.

On motion of Senator Hyer, the Senate, at 11:10 o'clock a. m., adjourned until 10:00 o'clock Monday morning.

APPENDIX.

Petitions and Memorials.

Congress of the United States
House of Representatives
Washington, D. C., Jan. 22, 1929.
Hon. Bob Barker,
Secretary of the Senate,
Austin, Texas.

My Dear Mr. Secretary:

Receipt is acknowledged of your telegram of the 18th instant, advising me of the adoption by the Senate of Texas of a resolution favoring a fair and adequate tariff rate on all products of both the farm and ranch.

I am pleased to have the views of the Senate with relation to this matter, and the Senate may be assured that I shall bear in mind its attitude in considering this subject when it comes before the special session of Congress.

Sincerely,
TOM CONNALLY.

House of Representatives
Committee on
Interstate and Foreign Commerce
Washington, D. C., Jan. 21, 1929.
Hon. Bob Barker,
Secretary of Senate,
Austin, Texas.

Dear Bob:

I have your telegram transmitting the Senate's resolution favoring tariff rates on all products of both farm and ranch. Through you I may say to the Texas Senate that I am glad to have their view on this important question.

Sincerely yours,
SAM RAYBURN.

Congress of the United States
House of Representatives
Washington, D. C., Jan. 22, 1929.
Hon. Bob Barker,
Secretary of the Senate,
Austin, Texas.

Dear Mr. Barker:

I am handing you herewith letter

dated January 21, 1929, just received from Hon. Willis C. Hawley, Chairman of the House Committee on Ways and Means, which is self explanatory.

With best wishes, I beg to remain,
Sincerely yours,
CLAY STONE BRIGGS.

Committee on Ways and Means
Washington, D. C., Jan. 21, 1929.
Hon Clay Stone Briggs,
House of Representatives,
Washington, D. C.

My dear Mr. Briggs:

I have prepared a few words of introduction to the lettergram and did so at today's session submit it for printing in the hearings.

With best wishes, I am,
Truly yours,
WILLIS C. HAWLEY,
Chairman.

Committee on Engrossed Bills

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 63 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 118 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 106 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 123

carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 121 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 124 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 114 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 145 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 122 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 82 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 117 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 107 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 108 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 275 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 120 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 98 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 184 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 172 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 288, A bill to be entitled "An Act to amend Article 17 of the Revised Civil Statutes for 1925 so as to provide that district judges and district attorneys shall enter upon and assume the duties of their respective offices on the first day of January following the last general election or as soon as possible thereafter, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 289, A bill to be entitled "An Act to provide that the number of days for which compensation is allowed a district attorney shall be based upon the calendar year and not the fiscal year of the State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 199, A bill to be entitled "An Act fixing the salary of official shorthand court reporters in judicial districts in counties having two or more full time district courts in addition to transcript fees which such reporters receive under the law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 246, A bill to be entitled "An Act to amend Article 879 of the penal code of Texas, of 1925, so as to include the counties of Dimmit, Zavalla, Medina and Uvalde in the provision permitting squirrels to be killed at any time, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed, being a local bill.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 269, A bill to be entitled "An Act creating a State Bureau of Criminal Identification and Investigation; providing for its organization and defining its powers and duties."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 21, A bill to be entitled "An Act providing for expense account for constables in certain counties to be allowed and paid out of the general fund of the county and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 287, A bill to be entitled "An Act to amend Articles 6205, 6221, and 5227 of Title 109 of the Revised Civil Statutes of 1925, and to amend Article 6214 of Title 109 of the Revised Civil Statutes of 1925 as amended by Chapter 95 of the General Laws of the Fortieth Legislature, and to add Article 6222 (A) and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 111, A bill to be entitled "An Act providing that liens for street improvements created by written contract of the owner or owners of land, or any interest therein, shall be superior liens upon such improvements and providing for the enforcement thereof, providing incidental matter, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 274, A bill to be entitled "An Act to amend Article 955 Revised Criminal Statutes, 1925, by exempting Hunt and Rains Counties from the provisions thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 312, A bill to be entitled "An Act to define license tax, regulate and control recreation establishments, fixing penalties for violation of said act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 3, A bill to be entitled "An Act declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for the purpose of promoting the public school interests of Texas, of aiding the people to provide adequate school facilities for the education of their children, of lengthening the term of the schools throughout the State and equalizing educational opportunities for all of the children therein by the appropriation of Five Million Dollars for the fiscal year ending August 31, 1930, and Five Million Dollars for the fiscal year ending August 31, 1931, and allowing the State Board of Education and the State Superintendent of Public Instruction to aid the public schools in accordance with the conditions herein specified; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 99, A bill to be entitled "An Act relating to courses of instruction in Constitution of United States in Schools, Colleges, Universities, and other Educational Institutions of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 44, A bill to be entitled "An Act to amend subdivision 32 of Article 199 of Title 8 of the Revised Statutes of the State of Texas, 1925, to change and prescribe the terms and time for holding district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden Counties, giving additional time to Howard County, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

FIFTEENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, January 28, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Moore. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Williamson. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent—Excused.

| | |
|----------|------------|
| DeBerry. | Westbrook. |
| Neal. | Wirtz. |
| Parr. | |

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. B. No. 324, A bill to be entitled "An Act fixing the terms of the principal trial courts of the State, regulating the time for holding sessions to transact the business thereof and repealing all conflicting laws."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 325, A bill to be entitled "An Act to amend Section 20 of Chapter 16 of an Act passed by the Thirty-ninth Legislature of the State of Texas at the First Called Session thereof, approved October 18, 1926, and providing that any road district or any political subdivision of any county, or defined road district now or hereafter to be defined, accepting the provisions of said Chapter 16 or which shall hereafter accept the provisions of said Chapter, shall be and is hereby made and created a body corporate and may sue and be sued in like manner as counties, and if cast in such suits, shall have power to pay such judgments by the levy and collection of taxes, and provid-